THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.21034 of 2007

Dated:05.10.2007

Between

N.Salaiah

..Petitioner

and

1.The APSRTC Rep., by its Vice Chairman & Managing Director, Mushirabad, Hyderabad and another.

…Respondent

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.21034 of 2007

ORDER:

The only grievance of the petitioner is that after his retirement from service, he was not paid gratuity for the period from 2.8.1980 to 1.2.1988. According to the petitioner, he was removed from service on 2.8.1980. Aggrieved by the same, he raised an industrial dispute being I.D.69 of 1984 before the Additional Industrial Tribunal-cum-Labour Court, Hyderabad. The Industrial Tribunal passed an award on 21-08-1985 setting aside the removal order and directed the respondents to reinstate the petitioner with continuity of service and other attendant benefits, but without any back wages.

According to the learned counsel for the

petitioner the award passed by the labour Court has attained finality and no writ petition has been filed by the Corporation. Therefore, for the period during which he was kept out of employment i.e., between 2.8.1980 and 1.2.1988 he is entitled for gratuity since continuity of service was ordered by the labour Court.

I am of the opinion that denying gratuity for the period from 2.8.1980 to 1.2.1988 in view of the orders by the labour Court in I.D.No.69 of 1984 is not legal and therefore, the action of the respondents in not paying the gratuity for the said period is arbitrary and illegal.

Accordingly, the writ petition is allowed directing the respondents to pay the gratuity to the petitioner from 2.8.1980 to 1.2.1988, as per his eligibility, within a period of six weeks from the date of receipt of a copy of this order. No costs.

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05-10-22007

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